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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KDEM](#) [IZ](#)
SUBJECT: HILLAH MAYOR KABUKI CONTINUES

REF: HILLAH 0069

CLASSIFIED BY: Charles F. Hunter, Babil PRT Leader, REO
Al-Hillah, Department of State.
REASON: 1.4 (b), (d)

11. (U) This is a PRT Babil Cable.

12. (C) PRT officers met on May 2 with the full membership of the Hillah District Council (DC) for a discussion of the chain of events described in reftel. Both Aqeel Al-Silawi, who introduced himself as the acting mayor until the Provincial Council (PC) confirms the DC's April 21 election of DC member Sabah Al-Fatlawi as the new mayor, and "new mayor, pending confirmation" (his words) Al-Fatlawi were in attendance. The focus was primarily on interpretation of Coalition Provisional Authority (CPA) Order 71, which spells out the powers of local governments.

13. (C) Though at most half of the more than twenty men present ventured an opinion during the two-hour meeting, the disagreements among them were clear. Some viewed Governor Salem Saleh Al-Muslimawi's intervention in suspending former Mayor Imad Lefta as lawful, on the premise that the head of the province's highest administrative unit has the right to discipline elements of subordinate administrative units. Others shared the PRT's view that because CPA 71 makes mayors "accountable to" the DCs that elect them, a governor is not empowered to take action against a mayor. There was similar division of opinion about whether DC decisions, or at least significant ones such as the replacement of a mayor, must in fact be ratified by the PC. Attendees did agree that the provincial powers law the Council of Representatives will eventually pass needs to be specific and unambiguous on as many of these points as possible.

14. (C) The underlying question of who has the best claim to be Hillah's mayor was left unanswered. After the meeting Al-Fatlawi spoke privately with PRT officers to ask them to intervene with the PC. The PRT is arranging a follow-up meeting with Al-Silawi, Al-Fatlawi, the DC chair and deputy chair, and the DC legal committee head to urge them to implement a solution consistent with the rule of law, for the sake of removing ambiguity and meeting citizens' needs.

15. (C) COMMENT: The dialogue had its surprising moments. The mayor-elect, Al-Fatlawi, seemed to argue against his own case with an absolutist interpretation of the mayor's answerability only to the DC. His argument ironically would mean that the catalyst that led to his election, namely the governor's move to suspend the former mayor, was illegitimate. Al-Fatlawi may be looking more forward than backward, however, and laying down a marker that he (a Sayyid Rasool loyalist) does not intend to be pushed around by the SCIRI-affiliated governor. If so he may help maintain a more even distribution of political power in the

province than the SCIRI establishment had probably been hoping for.

¶6. (C) COMMENT, CONTINUED: The Provincial Council has yet to take up the matter of the DC's vote and might choose not to do so if the matter will be too close-fought. The PRT is concerned that the old-regime mindset of deferring action until a higher level approves it will make Hillah's citizens the losers, looking for positive change and finding instead a cautious, lame duck administration. Most discrete elements of this mayoral saga leave something to be desired in terms of scruples and political good faith. In the end, the greater good may turn out to lie in letting bygones be bygones and getting to work on the formidable tasks at hand. END COMMENT.

HUNTER